

MINUTES OF A REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST

The regular meeting of the City Council of the City of Lake Forest held December 2, 2014, at the Lake Forest City Council Chamber, 25550 Commercentre Drive, Lake Forest, California, was called to order at 7:00 PM.

ROLL CALL:	Council Members:	David A. Bass Kathryn McCullough Scott Voigts
	Mayor Pro Tem:	Adam Nick
	Mayor:	Dwight Robinson
	Council Members-elect:	Dr. Jim Gardner Andrew Hamilton
	City Manager:	Robert C. Dunek
	City Attorney:	Scott C. Smith
	City Clerk:	Stephanie D. Smith

CLOSED SESSION

There were no items scheduled for Closed Session.

PUBLIC SESSION

INVOCATION: The Invocation was led by Rabbi Dennis Linson, Temple Judea.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the Flag of our Country was led by Council Member Bass.

CITY COUNCIL CEREMONIAL ITEMS

1. RESOLUTION RECOGNIZING OUTGOING COUNCIL MEMBER DAVID A. BASS

MOTION: On motion by Mayor Robinson, second by Council Member Voigts, the City Council adopted Resolution No. 2014-44 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, COMMENDING COUNCIL MEMBER DAVID A. BASS FOR HIS SERVICE TO THE COMMUNITY AS A MEMBER OF THE LAKE FOREST CITY COUNCIL. MOTION UNANIMOUSLY

CARRIED.

2. RESOLUTION RECOGNIZING OUTGOING COUNCIL MEMBER
KATHRYN MCCULLOUGH

The following members of the public offered comment:

Tony Cardenas, representing the League of California Cities, Orange County Division, presented Council Member McCullough with a Certificate of Recognition from the League of California Cities Board of Directors.

Tom Cagley, Lake Forest resident, spoke in recognition Council Member McCullough's service as a member of the community and as a military spouse.

MOTION: On motion by Mayor Robinson, second by Council Member Voigts, the City Council adopted Resolution No. 2014-45 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, COMMENDING COUNCIL MEMBER KATHRYN MCCULLOUGH FOR HER TWENTY YEARS OF SERVICE TO THE COMMUNITY AS A MEMBER OF THE LAKE FOREST CITY COUNCIL. MOTION UNANIMOUSLY CARRIED.

3. COMMENTS BY OUTGOING CITY COUNCIL MEMBERS

ACTION: The City Council received comments by outgoing City Council Members Kathryn McCullough and David A. Bass.

4. RESOLUTION CERTIFYING THE NOVEMBER 4, 2014 ELECTION

Council Member Bass reported speaking with the Registrar of Voters, and commended the Registrar on his professional handling of the election.

Council Member Voigts spoke regarding the contributions and accomplishments of Council Members McCullough and Bass.

MOTION: It was moved by Council Member Bass, second by Council Member McCullough, to adopt Resolution No. 2014-46 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, RECITING THE FACTS OF THE GENERAL

MUNICIPAL ELECTION HELD ON NOVEMBER 4, 2014, DECLARING
THE RESULT, AND SUCH OTHER MATTERS AS PROVIDED BY LAW.
MOTION UNANIMOUSLY CARRIED.

RECESS: The City Council recessed at 7:35 p.m. to transition seating of the new Council Members.

RECONVENE: The City Council reconvened at 7:41 p.m. with all members present.

5. INSTALLATION AND OATH OF OFFICE CEREMONY

ACTION: City Clerk Smith administered the Oath of Office and presented Certificates of Election to newly elected City Council Members Gardner, Hamilton, and Voigts.

6. COMMENTS BY NEW COUNCIL MEMBERS

ACTION: The City Council received comments from new City Council Members Dr. Jim Gardner, Andrew Hamilton, and Scott Voigts.

7. SELECTION OF MAYOR AND MAYOR PRO TEM FOR THE ENSUING YEAR

The following members of the public offered comment:

Randy Johnson, Lake Forest resident, stated his belief the decision of Mayor and Mayor Pro Tem is the most important decision the Council can make. He challenged the Council to follow the tenets of the Oath of Office. He stated his belief Mayor Robinson had done an admirable job during his term as Mayor and spoke in favor of Mayor Robinson having a second term.

Gregory Sprague, Lake Forest resident, spoke regarding the Orange County Sheriff's Department and expressed hope the newly selected Mayor would provide relief to his concerns.

ACTION: 1. SELECTION OF MAYOR: Council Member Gardner nominated Council Member Hamilton for the office of Mayor. Mayor Pro Tem Nick seconded the nomination. Mayor Robinson nominated Council Member Voigts for the office of Mayor. Council Member Hamilton seconded the nomination. By roll call vote, the City Council selected Council Member Voigts to serve as Mayor in 2015. Selection carried,

with Council Members Hamilton, Nick, Robinson and Voigts voting in favor of Council Member Voigts, and Council Member Gardner voting in favor of Council Member Hamilton. 2. SELECTION OF MAYOR PRO TEM: Council Member Gardner nominated Council Member Hamilton for the office of Mayor Pro Tem. Council Member Voigts seconded the nomination. There were no further nominations. By voice vote, the City Council unanimously selected Council Member Hamilton to serve as Mayor Pro Tem in 2015.

PRESENTATIONS:

8. RECOGNITION OF OUTGOING COMMUNITY SERVICES DIRECTOR

The following member of the public offered comment:

Kathryn McCullough, former Mayor and Council Member, presented Mr. Magill with a token of her gratitude for his years of service.

ACTION: THE CITY COUNCIL PRESENTED A CERTIFICATE OF APPRECIATION TO GARY MAGILL FOR HIS CONTRIBUTIONS TO THE CITY OF LAKE FOREST

REPORT FROM STUDENT LIAISON:

Joseph Hana, Student Liaison from El Toro High School, presented his report.

PUBLIC COMMENTS:

The following members of the public offered comment:

Randy Johnson, Lake Forest resident, spoke regarding the posting of City Council meeting videos, expressing his expectation of videos being posted the next day. He also spoke regarding Orange County Animal Care Services and the recent resignation of the animal control director.

Council Member Gardner responded to Mr. Johnson, stating he will work to improve the situation with Orange County Animal Care Services.

Bob Holtzclaw, Lake Forest resident, spoke regarding the recent municipal election, expressing his concern over the outbursts occurring at the November 18 City Council meeting. Mr. Holtzclaw also stated there are no signs asking people not to feed the ducks at Village Pond Park. He

expressed hope the new Council will work together to solve City problems.

Jim Rosenberg, Lake Forest resident, thanked the former City Council Members for their service, thanked Gary Magill for his service to the City as Director of Community Services, and spoke in support of the United States Marine Corps 1st Law Enforcement Battalion, thanking community partners for their donations for 50 Thanksgiving meals for members of the battalion and their families.

David Glick, Lake Forest resident, invited the Council and members of the community to the Lake I Holiday Boat Parade, and spoke in support of the USMC 1st Law Enforcement Battalion.

Stan Yombo, Lake Forest resident, spoke regarding the Whispering Hills park site on Lake Forest Drive, adjacent to his hotel, and asked for Council's support to develop the site.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 9)

9. CERTIFICATION OF WARRANT REGISTER

MOTION: On motion by Council Member Voigts, second by Council Member Gardner, the City Council approved the warrant register in the amount of \$3,334,082.53 as submitted. MOTION UNANIMOUSLY CARRIED.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 10-18)

MOTION: On motion by Council Member Voigts and second by Council Member Gardner, the City Council approved Consent Calendar Item Nos. *10, *13, and *15-17. MOTION UNANIMOUSLY CARRIED.

*10. WAIVE READING OF ORDINANCES AND RESOLUTIONS

ACTION: Waived reading, by title only, of all Ordinances and Resolutions. Said Ordinances and Resolutions which appear on the public agenda were determined to have been read by title and further reading waived.

*13. NOTICE OF COMPLETION FOR THE LAKE FOREST SPORTS PARK AND RECREATION CENTER PROJECT (PW 2009.01)

ACTION: 1. Found that Park West Landscaping, Inc., of Rancho Santa

Margarita, California, has completed construction of the Lake Forest Sports Park and Recreation Center Project. 2. Approved the Notice of Completion and authorized the Mayor to execute the document on behalf of the City. 3. Authorized the City Clerk to submit said Notice of Completion for recordation with the County Recorder of Orange County within 10 days of City Council approval as required by Section 3093 of the California Civil Code. 4. Authorized payment of the five percent retention thirty days after the recording of the Notice of Completion, providing there are no stop notices on file with the City preventing release of the final payment.

***15. CITY FINANCIAL REPORTS - QUARTER ENDED JUNE 30, 2014**

ACTION: Received and filed the reports.

***16. APPROVAL OF FINAL TRACT MAP NO. 17788**

ACTION: Adopted Resolution No. 2014-14 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 17788, CREATING A 7-NUMBERED LOT SUBDIVISION FOR FINANCE AND CONVEYANCE PURPOSES LOCATED WITHIN THE AREA BOUNDED BY ALTON PARKWAY, MONARCH, AND CATALINA.

***17. DAIRY FORK CONSTRUCTED WETLAND PROJECT COST SHARING AGREEMENT**

Prior to Council action, City Attorney Smith disclosed he represented two distinct parties to the agreement, the cities of Aliso Viejo and Lake Forest.

ACTION: Authorized the City Manager to execute Cost Sharing and Cooperative Agreement for Dairy Fork Constructed Wetland Project.

PULLED CONSENT CALENDAR ITEMS:

11. MINUTES OF THE REGULAR MEETINGS OF THE CITY COUNCIL HELD ON OCTOBER 21, 2014 AND NOVEMBER 4, 2014, submitted by City Clerk.

This item was removed from the Consent Calendar by Council Member Hamilton, who wished to abstain.

MOTION: On motion by Council Member Voigts, second by Mayor Pro Tem Nick, the City Council approved the Minutes of the October 21, 2014 and November 4, 2014 City Council Meetings as presented. MOTION CARRIED with Council Members Hamilton and Gardner abstaining.

12. ADOPTION OF ORDINANCE NO. 269 - ESTABLISHING AN ADMINISTRATIVE CITATION PROGRAM

This item was removed for separate consideration by Council Member Gardner. He stated he supports the idea in principle, however felt the 10% per day interest charge was excessive. He also stated his preference for seeing more rationale on how the ordinance would be used.

Assistant City Manager Belmer stated, in working with the City Attorney's office, the proposed ordinance was drafted using industry best practices and standards, however the implementation was entirely within the Council's discretion. He explained that at the point in the Code Enforcement process where administration citations would be used, the property owner would have already received a courtesy notice and an official notice of violation. He stated the administrative citation process was simply an additional tool to achieve voluntary compliance.

Council discussion ensued.

Responding to Council inquiry, City Attorney Smith stated appeal of the administrative citation would be heard through administrative hearings, and may eventually be heard through the court system.

Mayor Robinson stated his belief the administrative citation approach would save the City money and noted the Council could review the process after it is implemented to determine its effectiveness.

MOTION: On motion by Mayor Robinson, second by Council Member Voigts, the City Council: 1. Conducted second reading of Ordinance No. 269 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADDING CHAPTER 1.16 TO THE LAKE FOREST MUNICIPAL CODE RELATING TO ADMINISTRATIVE CITATIONS. 2. Adopted Ordinance No. 269. MOTION UNANIMOUSLY CARRIED.

14. CONTRACT AWARD FOR TREE MANAGEMENT SERVICES

This item was removed from the Consent Calendar by a member of the public:

Pat Mahoney, President, West Coast Arborists, stated WCA has been the contractor for the City for many years and they currently represent 21 cities in Orange County, and over 200 in California. They manage the contract from their site at Bake Parkway and Irvine Boulevard. He asked the Council to reconsider awarding the contract because he believes the bid was unbalanced, and it required tree maintenance software to manage the inventory which he does not believe was properly identified. He asked the Council to reconsider the bid.

Council discussion ensued.

Council Member Hamilton thanked staff for the report and stated he is uncomfortable with the wide variation between bidders.

Council Member Gardner inquired as to the outcome should Council not award the contract at this time.

Director of Public Works/City Engineer Wheeler responded the original procurement process was a Request for Proposal, and Great Scott was the preferred vendor. At that time, however, the cost proposal was higher than anticipated, and rather than manipulate the cost proposals, Council determined to reject the proposals and issue a Request for Bid. Staff reached out to 16 local contractors who specialize in tree maintenance services, making them aware of the open bid process. At the conclusion of the bid period, the City received two bids. Great Scott was the low bidder. Mr. Wheeler recommended awarding the contract to Great Scott, noting it was for a six month term, with two optional one year renewable terms. He commented the agreement will come back to the City Council within six months for either a renewal or a Request for Bid a second time. Responding to Council inquiry, Mr. Wheeler stated the cost of the Arbor Pro tree management software license was in the \$20,000 range and he does not believe it prohibited any vendor from submitting a qualified alternate program, as allowed in the bid documents.

Council Member Voigts inquired if the 2,000 trees at the Sports Park were included. Director of Public Works/City Engineer Wheeler

responded the trees at the Sports Park are not included, as they will take several years to reach maturity where trimming would be required.

Council Member Voigts asked for the prices submitted in January with the RFP process. Staff responded Great Scott proposed approximately \$350,000 and West Coast Arborists proposed \$481,000.

Council Member Hamilton stated his belief West Coast Arborists stated they would be willing to perform the service for the \$165,000 fee charged under the previous contract, and he inquired if the scope had changed. Mr. Wheeler stated affirmatively, the scope had changed and more trees had been added. Mr. Wheeler also noted the use of the Arbor Pro software program was a requirement under the previous agreement and that the City would accept a qualified alternate program, acknowledging the important factor of was ensuring the City's database of tree maintenance was kept current.

MOTION: It was moved by Mayor Robinson, with second by Council Member Gardner, to approve staff's recommendation, with the assumption the contract would be advertised for bid again in six months.

SUBSTITUTE MOTION: It was moved by Council Member Voigts, with second by Mayor Pro Tem Nick, to award the contract to West Coast Arborists.

AMENDED SUBSTITUTE MOTION: Council Member Hamilton requested a friendly amendment to the substitute motion, clarifying that the work performed by West Coast Arborists would be at or below the current per unit cost. The amendment was accepted by the maker of the motion.

Council discussion continued.

City Manager Dunek suggested a continuance to allow both contractors the opportunity to be present at the Council Meeting.

SECOND SUBSTITUTE MOTION: It was moved by Mayor Pro Tem Nick, second by Council Member Voigts, to continue the award of contract for two weeks.

RECESS: The City Council recessed at 9:41 p.m.

RECONVENE: The City Council reconvened at 9:57 p.m. with all

members present to continue regular City Council business.

City Manager Dunek reported discussing several possibilities with the City Attorney during the recess but felt the issues should be fully examined before presenting them before the Council. Mr. Dunek supported continuing the item to a future Council meeting, noting that it may take longer than two weeks to fully address the various issues raised by the City Council this evening.

MOTION: On motion by Mayor Pro Tem Nick, second by Council Member Voigts, the City Council continued the award of contract for tree management services to the meeting of December 16, 2014, or as soon thereafter as possible. MOTION CARRIED with Council Member Gardner dissenting.

18. CONSIDERATION OF REVISED STANDARD CONTRACT TEMPLATES

This item was pulled for separate consideration by Council Member Gardner. Council Member Gardner proposed adding language to the contract templates which prohibits campaign donations from City vendors. City Attorney Smith requested additional time to evaluate the suggested changes.

MOTION: On motion by Council Member Gardner, second by Council Member Voigts, the City Council approved the revised standard form contract templates substantially in the form attached. MOTION UNANIMOUSLY CARRIED.

CONSENSUS: The City Council directed, by consensus, the City Attorney review possible changes to the standard contract templates which would prohibit campaign donations from City vendors and make recommendations for inclusion as appropriate.

DISCUSSION/ACTION ITEMS:

19. SECOND AMENDMENT TO AGREEMENT WITH LILLEY PLANNING GROUP FOR ENERGOV MIGRATION PROJECT MANAGEMENT

City Manager Dunek introduced Deputy City Manager/Director of Management Services Debra Rose, who presented the staff report dated December 2, 2014.

Responding to Council inquiry, Ms. Rose reported Lilley Planning Group has operated for over 15 years and serves over 25 municipalities throughout the state, mostly in Orange County.

Ms. Rose introduced Project Manager Glenn Park, who responded to Council questions regarding the integrity of the computer system and the storage of the local data. Mr. Park reported the files are stored locally in the server room at City Hall, and that they are part of the City's regular, cyclical back up procedure.

Ms. Rose reported the migration project was a result of success with the Energov system, and the City's desire to expand it to other operations.

MOTION: On motion by Mayor Robinson, second by Council Member Voigts, the City Council: 1. Approved the Second Amendment to the Agreement with Lilley Planning Group, Inc., for Energov Migration Project Management substantially in the form attached. 2. Authorized the Mayor to sign, and the City Clerk to attest, the Second Amendment to the Agreement with Lilley Planning Group, Inc. MOTION UNANIMOUSLY CARRIED.

CITY MANAGER'S REPORT:

City Attorney Dunek offered no comments.

CITY COUNCIL COMMENTS:

Council Member Gardner thanked staff for helping him during this period of transition. He noted the STARS are having their Christmas Party and Awards Banquet on Thursday, December 4th and invited members of the community to attend. Council Member Gardner sought consensus to agendize a discussion on a wildlife prohibition ordinance.

CONSENSUS: The City Council, by consensus directed staff to agendize discussion of a wildlife prohibition ordinance relative to feeding animals at public parks.

Council Member Hamilton thanked staff for assistance during the transition and congratulated his newly elected colleagues. He also spoke regarding the current rain storm, and noted any rainwater collected reduces the need for local water agencies to purchase water, saving ratepayers money.

Council Member Voigts congratulated his newly elected colleagues.

Mayor Pro Tem Nick thanked the public for their attendance, and thanked

the City Manager and City Attorney for their service to the Council.

Mayor Robinson reported accepting an award on behalf of the City from the Orange County Business Council for the City's GROW program designed to increase local employment opportunities through business and organizational partnerships.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.


ADJOURNMENT:

The City Council of the City of Lake Forest adjourned at 10:32 p.m.

Respectfully submitted:


STEPHANIE D. SMITH, MMC
CITY CLERK

APPROVED:


DWIGHT ROBINSON
MAYOR